

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 356

## **SENATE BILL 1546**

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 12-1114.01; RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 8, article 2, Arizona Revised Statutes,  
3 is amended by adding section 12-1114.01, to read:

4 12-1114.01. Property of the United States subject to  
5 condemnation; duty of attorney general to file  
6 action; exclusions

7 A. PROPERTY THAT MAY BE TAKEN UNDER THIS ARTICLE INCLUDES PROPERTY  
8 POSSESSED BY THE UNITED STATES GOVERNMENT UNLESS:

9 1. THE PROPERTY WAS ACQUIRED BY THE FEDERAL GOVERNMENT WITH THE  
10 CONSENT OF THE LEGISLATURE PURSUANT TO ARTICLE I, SECTION 8, CLAUSE 17,  
11 CONSTITUTION OF THE UNITED STATES.

12 2. THE PROPERTY CONSISTS OF INDIAN LANDS OWNED OR HELD BY A FEDERALLY  
13 RECOGNIZED INDIAN TRIBE, NATION, BAND OR COMMUNITY AS RESERVATION LANDS,  
14 ALLOTMENT LANDS OR SOVEREIGN OR PROPRIETARY LANDS OR IN ANY OTHER CAPACITY.

15 B. THIS STATE SHALL BE THE PLAINTIFF DESCRIBED IN THIS ARTICLE IN AN  
16 ACTION TO CONDEMN PROPERTY DESCRIBED IN SUBSECTION A. THIS STATE IS NOT  
17 RESPONSIBLE FOR LEGAL ACTIONS FILED BY OTHER PERSONS OR ENTITIES.

18 C. THE ATTORNEY GENERAL SHALL FILE EMINENT DOMAIN ACTIONS WITH THE  
19 CONSENT OF THE UNITED STATES GOVERNMENT ON PROPERTY DESCRIBED IN  
20 SUBSECTION A:

21 1. THAT FACILITATE THIS STATE'S ABILITY TO MANAGE, OR PROVIDE ACCESS  
22 TO, OR INCREASE THE PROFITABILITY OF, THE LANDS OWNED OR HELD IN TRUST BY  
23 THIS STATE FOR THE BENEFIT OF PUBLIC SCHOOLS AND OTHER INSTITUTIONS OF THIS  
24 STATE CONSISTENT WITH THIS STATE'S FIDUCIARY RESPONSIBILITIES TOWARD THE  
25 BENEFICIARIES OF THE TRUST LANDS.

26 2. FOR A PUBLIC USE THAT INCREASES THE ABILITY OF THIS STATE TO  
27 GENERATE REVENUE.

28 D. THIS SECTION DOES NOT APPLY WITH RESPECT TO:

29 1. PROPERTY HELD BY THE UNITED STATES FOR THE BENEFIT, INCLUDING WATER  
30 RIGHTS, OF A FEDERAL RECLAMATION PROJECT OR MANAGED BY A POLITICAL  
31 SUBDIVISION OF THIS STATE, OR A SPECIAL TAXING DISTRICT ORGANIZED UNDER  
32 TITLE 48.

33 2. PROPERTY ON WHICH PERMANENT IMPROVEMENTS ARE CONSTRUCTED OR THAT IS  
34 LEGALLY ENCUMBERED.

APPROVED BY ~~THE~~ GOVERNOR APRIL 29, 2011.

FILED IN THE OFFICE OF ~~THE~~ SECRETARY OF STATE APRIL 29, 2011.

Passed the House April 19, 2011,

by the following vote: 39 Ayes,

20 Nays, 1 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate February 28, 2011,

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

[Signature]  
President of the Senate

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1546

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 17, 20 11

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20<sup>th</sup> day of April, 20 11

at 12:00 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

April

at 9:55 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29<sup>th</sup> day of April, 20 11

S.B. 1546

at 7:30 o'clock P. M.

[Signature]  
Secretary of State